

DOCKET NO. 3:08-CV-579-FDW

Defendants.

ORDER


In this case, the notice of removal does not appear to account for the citizenship of several co-defendants, including a number of Limited Liability Companies (and each of their members)

and/or Limited Partnerships (and each of their partners). See Carden v. Arkoma Associates, 494 U.S. 185 (1990) (for diversity purposes, a partnership entity takes on citizenship of all its partners, limited as well as general); General Technology Applications, Inc. v. Exro Ltda, 388 F.3d 114 (4th Cir. 2004) (a limited liability company's citizenship is that of its members).

"If federal jurisdiction is doubtful, a remand is necessary." Mulcahey v. Columbia Organic Chemicals Co., 29 F.3d 148, 151 (4th Cir. 1994). **Defendant shall therefore have seven (7) days from the date of this Order to clarify the existence of subject matter jurisdiction.** In addition, the Court notes that all Defendants ordinarily must join in a notice of removal, see Balazik v. Count of Dauphin, 44 F.3d 209, 213 (3d Cir. 1995), and so Defendant shall report to the Court the respective positions of the co-defendants on the removal of this suit as that information becomes known.

IT IS SO ORDERED.

Signed: December 17, 2008



Frank D. Whitney
United States District Judge

